

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2010 Legislative Session

Legislative Day No. 3

Bill No. 9 -2010

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the General Plan 2000 by adjusting the Planned Service Area boundary of ~~the Master Plan for Water and Sewerage~~ for water and sewer service to include approximately 221.1 acres of the historic Doughoregan property located south of Frederick Road (Md Route 144) and just west of the Kiwanis-Wallis Park, in Ellicott City, Howard County, Maryland; providing that certain expansions will be null and void unless certain conditions are met; and generally relating to the General Plan 2000.

Introduced and read first time _____, 2010. Ordered posted and hearing scheduled.

By order _____
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2010.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2010 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2010 at ____ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive _____, 2010

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

WHEREAS, the General Plan 2000 ~~and the Master Plan for Water and Sewerage establish~~ establishes the Planned Service Area, which is the area within which the County provides public water and sewer service; and

WHEREAS, the General Plan 2000 provides that any requests for a General Plan amendment for the expansion of the Planned Service Area for water and sewer service should be denied unless the following minimum criteria are met: the proposed expansion of the Planned Service Area is part of a proposed zoning and is consistent with the General Plan and Smart Growth policies, or the proposed expansion of the Planned Service Area is intended to provide for a public or institutional use such as a religious facility, charitable or philanthropic institution, or academic school; and

WHEREAS, the Department of Planning and Zoning (DPZ) and the Department of Public Works (DPW) have reviewed the proposed expansion of the Planned Service Area boundary to include approximately 221.1 acres of the historic Doughoregan property known as Tax Map 23, Grid 10, part of Parcel 71 (the “Property”) located south of Frederick Road (Md Route 144) and just west of the Kiwanis-Wallis Park in Ellicott City, Maryland, as shown in the attached Exhibits A and B; and

WHEREAS, the proposed expansion of the Planned Service Area is an important part of a comprehensive, multi-part strategy for the preservation of Doughoregan Manor, a unique National Historic Landmark property; and

WHEREAS, Doughoregan Manor was the country home of Charles Carroll of Carrollton, a landowner, farmer, politician, U.S. Senator and the only Roman Catholic signer of the Declaration of Independence; and

WHEREAS, Carroll was the Declaration’s last surviving signer and Doughoregan Manor is the only home of a signer of the Declaration that is still in family ownership; and

WHEREAS, the multi-part strategy for the preservation of Doughoregan Manor includes preserving approximately 500 acres by permanent agricultural land preservation easement, donating 34 acres to the Kiwanis-Wallis Park, rezoning a portion of the property ~~to be R-ED to~~ result in a density that is equal to or less than the density allowed in R-ED zoning, and preserving the 90-acre historic core that includes the manor house and historic outbuildings; and

WHEREAS, another part of the strategy for the preservation of Doughoregan Manor includes this request for an extension of the Planned Service Area for water and sewer service in order to construct up to 325 single-family detached residences and the sale of those residences will generate funds to restore the manor house; and

WHEREAS, DPZ and DPW have determined that the Property meets the criteria for expansion of the Planned Service Area as part of a proposed rezoning that is consistent with General Plan and Smart Growth policies that promote cluster development in order to minimize adverse impacts on historic and agricultural resources, as well as to increase public open space; and

WHEREAS, DPW has analyzed the water and sewer infrastructure capacity and costs and has confirmed that the capacity exists to serve the Property with water and sewer, and water is available and sewer is feasible to serve the Property; and

WHEREAS, DPW has also determined that the Property is adjacent to the existing boundary of the Planned Service Area and that the inclusion of the Property will continue the linear boundary line of the Planned Service Area without including an intervening privately owned parcel currently not located in the Planned Service Area; and

WHEREAS, the Planning Board has reviewed and recommended approval of the proposed expansion.

NOW, THEREFORE,

Section 1. *Be It Enacted* by the County Council of Howard County, Maryland that the General Plan 2000 Policies Map 2000-2020 is amended to expand the Planned Service Area boundary for water and sewer service to include approximately 221.1 acres of the historic Doughoregan property known as Tax Map 23, Grid 10, part of Parcel 71 located south of Frederick Road (Md Route 144) and just west of the Kiwanis-Wallis Park in Ellicott City, Maryland, as shown in the attached Exhibits A and B.

Section 2. *And Be It Further Enacted* by the County Council of Howard County, Maryland, that the provisions of this Act providing for the expansion of the Planned Service Area ~~and the Metropolitan District inclusion, if applicable,~~ shall be null and void and the Planned Service Area ~~and the Metropolitan District,~~ as it relates to this Property, shall revert to the boundary area in place prior to this Act approving the expansion without any additional action of the County Council if:

- (1) A Developer Rights and Responsibilities Agreement is not executed within 215 days from the effective date of this Act with terms and conditions including, but not limited to, provisions for:
 - (a) the agricultural preservation of a majority of the Property;
 - (b) the permanent preservation of historic structures on the property, including the manor house and historic outbuildings;
 - (c) residential development, limited in both the number of units and the number of acres to be developed;
 - (d) a methodology and / or commitment to honor Council Resolution 43-1989's termination of Burnside Drive.
 - (e) the donation of land to Howard County for park land to expand Kiwanis-Wallis Park,
 - (f) a methodology to evaluate alternatives to assure wastewater treatment is provided to minimize increases in flow and the nutrient concentration in

flow sent to the Little Patuxent WRP, and that the selected solution addresses and considers the impact on County residents and the County with respect to odor, transportation of sludge, capital costs, and operating costs, or funding of a fair share contribution for sewage treatment and disposal for systemic reduction of flow and nutrient concentration as directed by the County.

(g) ensuring funding for the restoration and ongoing maintenance to the manor house and historic outbuildings; or

(2) ~~The Property is not rezoned to be R-ED within 1 year from the effective date of this Act;~~ The Property is not rezoned to result in a density that is equal to or less than the density allowed in R-ED zoning within 1 year from the effective date of this Act; or

(23) The connection is not made within 10 years from the effective date of this Act.

Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that this amendment be attached to the 2000 General Plan.

Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.

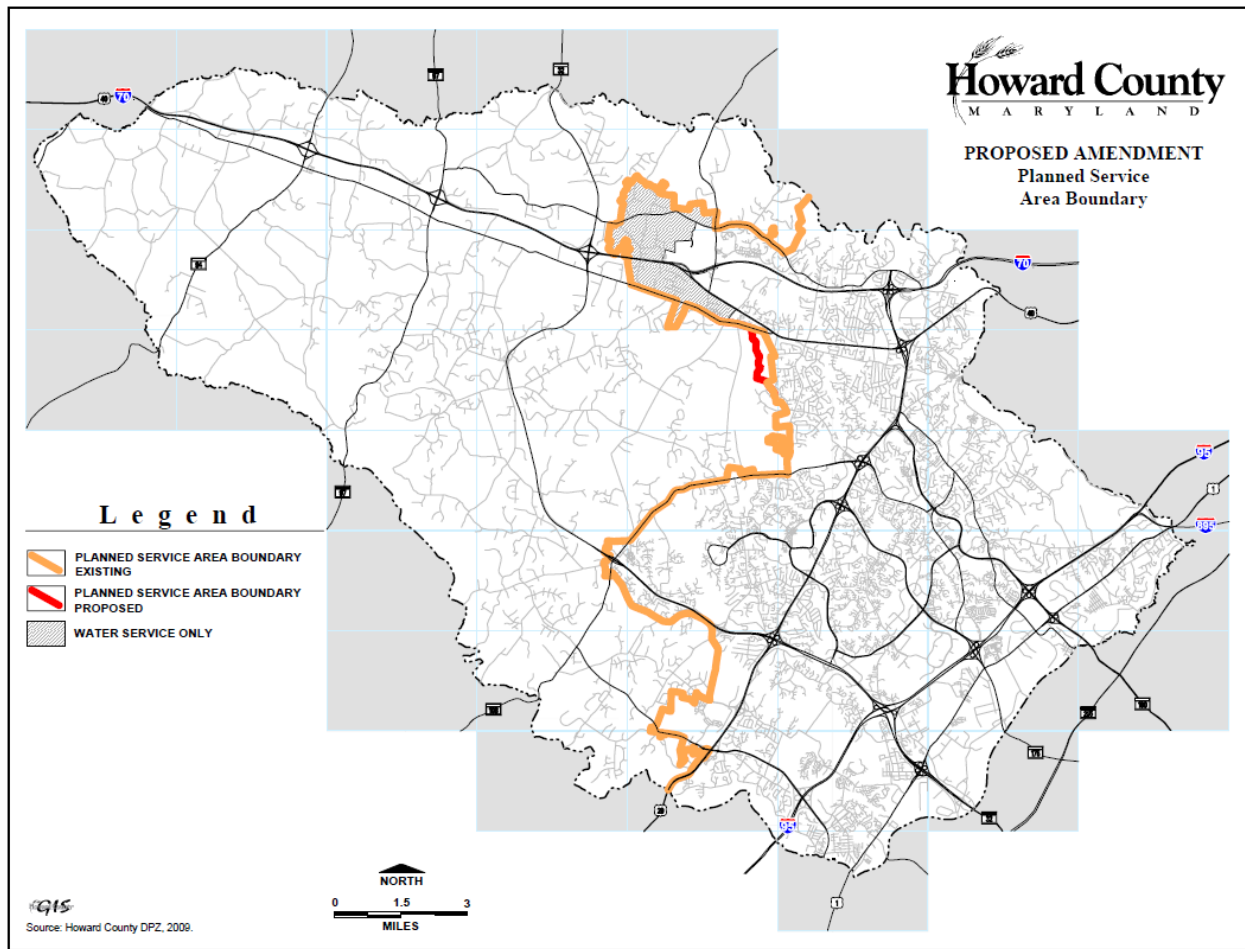


Exhibit A

Exhibit B

